



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 21, 1996

Ms. Jennifer Soldano
Associate General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Bldg.
125 East 11th Street
Austin, Texas 78701-2483

OR96-1517

Dear Ms. Soldano:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 35347.

The Texas Department of Transportation (the "department") received a request for information concerning a traffic accident that occurred on "U.S. Highway 290, on or about March 9, 1995 . . . at or near Loop 223 at McDade, Bastrop County, Texas." The requestor seeks a complete copy of the file that the department has on the subject of improvements being made on Highway 290 and other information involving the number of collisions at the site. You contend that the department has a reasonable expectation of being sued and, therefore, you seek to withhold the information pursuant to section 552.103(a) of the Government Code. You submitted to this office as responsive to the request various accidents reports.

In the recent legislative session, the legislature enacted House Bill 391, which places certain restrictions on the general public's access to "all *accident reports* made as required by [V.T.C.S. art. 6701d] or [V.T.C.S. art. 6701h]."¹ Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413 (Vernon) (emphasis added).

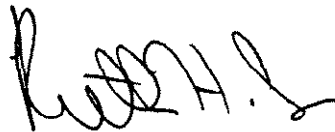
¹Effective September 1, 1995, these statutes were repealed and replaced as part of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71 (Vernon). The legislature did not intend a substantive change of the law but merely a recodification of existing law. *Id.* § 25, 1995 Tex. Sess. Law Serv. at 1871.

Specifically, House Bill 391 provides that a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request *only* to, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. *Id.*

House Bill 391, however, specifically applies only to "accident reports" contemplated by article 6701d, V.T.C.S., or article 6701h, V.T.C.S.² The accident reports you submitted to this office are made confidential by statute. As the requestor has not supplied the information required under House Bill 391, you may not release the accident reports at issue.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/SAB/rho

Ref.: ID# 35347

Enclosures: Submitted documents

cc: Ms. Muna Tabatabai
Coltharp Engineering Associates, Inc.
8733 Shoal Creek Blvd.
Austin, Texas 78757
(w/o enclosures)

²We note that the requestor seeks a complete copy of the file and other information involving the number of collisions at the site. We assume the other documents, if they exist, have been released.